

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/354, 945 07/15/99 KOSAKA

A 09952/029001

020985 TM02/0718
FISH & RICHARDSON, PC
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO CA 92122

EXAMINER

MAIL DETAILED	
ART UNIT	PAPER NUMBER

2684
DATE MAILED:

07/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/354,945	KOSAKA, AKIO	
	Examiner	Art Unit	
	Yemane Woldeletios	2684	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 July 1999.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4
- 18) Interview Summary (PTO-413) Paper No(s). _____.
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn (5870685), in view of Minamisawa (6026303).

Claims 1 and 2. Flynn discloses a radio communication terminal having a built-in battery comprising:

power detecting means for detecting a remaining power of a built-in battery (col. 9 lines 19-36);

Data transmission control means for controlling data communication at the set data communication speeds (col. 8 lines 31-46);

Flynn discloses operation of the apparatus at different data capacities corresponding to different battery level threshold settings (col. 11 lines 6-21). Flynn does not specifically mention speed setting means for setting different data communication speeds based on the detected remaining power. However, Minamisawa teaches transmission rate setting means corresponding to the detected remaining power quantity (Fig. 5 and col. 7 lines 13-22). Therefore, it would have been obvious to one of ordinary skill in the art to modify Flynn by Minamisawa, by adding

means for setting different data communication speeds depending on the detected remaining power in order to maintain communication qualities.

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn in view Minamisawa and further in view of Ozaki (5896202).

Claim 3. Flynn as modified by Minamisawa fails to disclose a radio communication terminal of claim 2, further comprising:

image transmitting means for transmitting images; and resolution setting means for setting different resolutions of the images, the resolutions being increased as the power supply from the external power source is detected. However, Ozaki teaches means for image transmission (col. 1 lines 32-43); and means for resolution setting (col. 4 lines 46-61). Therefore, it would have been obvious to one of ordinary skill in the art to modify Flynn as modified by Minamisawa by Ozaki, by adding means for image transmission and image resolution setting in order to enhance communication facilities.

Claim 4. Flynn as modified by Minamisawa and further by Ozaki discloses radio communication terminal of claim 2, further comprising: display means for displaying received images (col. 8 lines 13-29).

Flynn as modified by Minamisawa and further by Ozaki fails to teach brightness setting means for setting different brightness of the images, the brightness being increased as the power supply from the external power sources is detected. However, official notice is taken that brightness setting is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flynn as modified

by Minamisawa and further by Ozaki, by adding means for brightness setting, in order to enhance image control facilities to the user.

Claim 5. Flynn as modified by Minamisawa and further by Ozaki discloses a radio communication terminal having a built-in battery comprising :

image communication means for communicating images (col. 1 lines 32-44, in Ozaki);
power detecting means for detecting a remaining power of a built-in battery (col. 9 lines 19-36);

resolution setting means for setting different resolutions of the images, the resolutions being increased as the detected remaining power increases (col. 4 lines 46-61, in Ozaki);
speed setting means for setting different data communication speeds based on the detected remaining power , the speeds being decreased as the detected remaining power decreases (col. 7 lines 12-22, in Minamisawa); and

control means for controlling data communication (col. 5 line 66 to col. 6 line 1 in Minamisawa), and image display at the set resolutions and the set speeds (col. 2 lines 43-53).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seki et al. (5678229), Torin (5519757), Suzuki (6044067), Davis et al. (5640691), Almulla (5280198), Turney et al. (5949812) and Hasegawa (5477340) teach data communications system with power control.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane Woldetatios whose telephone number is 703-308-9596. The examiner can normally be reached on Monday thru Friday: 9-18:30, off 1st Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Yemane Woldetatios
Examiner
Art Unit 2684



yw
July 10, 2001



DANIEL HUNTER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600